

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

The question being on the adoption of the amendment offered by Mr Taylor, to a bill giving the assent of the State of Texas to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of Congress of September 9th, 1850, &c., &c.

On motion of Mr Taylor of Cass, a call of the Senate was ordered.

Absent—Messrs. Doane, Hill, Palmer, and Potter.

Mr Burroughs moved a suspension of the call—lost.

On motion of Mr Wren, the Senate adjourned until 10 o'clock to-morrow morning.

SATURDAY, JANUARY, 5th, 1856.

The Senate was called to order by the President pursuant to adjournment. Prayer by the chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Bryan presented the petition of Thomas G. Masterson, of Eli Dial, of Powhatan Archer, and of W. C. C. Lynch, administrator of Margaret Culbertson; referred to the committee on private land claims No. 2.

Mr Superviele presented the petition of Francisco Benigno Chavis; referred to the committee on private land claims No. 1.

Mr Taylor of Cass, chairman of the committee on public debt, made the following report:

The committee on public debt, to which was referred the petition of Leslie Combs, have given due consideration thereto and find that the petition sets fourth, that one Col. James Love, of Texas was petitioner's agent in Texas, and that he without authority of the petitioner disposed of certain Stock certificates of public debt of the late Republic of Texas, belong to petitioner and that the said Love had no right to transfer the same, and that he the petitioner has up to this time failed to obtain the same, although he has used due diligence; he now prays the Legislature to authorize the issuance of duplicates of the aforesaid certificates. From a view of all the facts in the case, I am instructed by the committee to report for the consideration of the Senate the accompanying bill.

A bill authorizing the issuing of duplicates of certain Stock certificates therein described; read first time.

Mr Superviele from the committee on the Judiciary, made the following report:

The committee on the Judiciary, to which was referred the petition of Juan and Juan Manuel Soto praying for relief, have

had the same under consideration, and find from satisfactory evidence that the petitioners were the legitimate children and heirs at law of Vicinto Soto and Maria Casilda Guerra, his wife; that Juan Soto, one of the petitioners was born in the year 1831, and the other Juan Manuel in the year 1832; that Vicinto Soto and his wife were citizens of Texas, and did not leave the country to avoid a participation in the struggle for Independence, but remained in San Antonio until their deaths, leaving behind them the two petitioners in infancy, and orphans; that the said Vicinto Soto being a citizen and the head of a family, was entitled in virtue of the laws then in vigor to a league and labor of land; that neither he nor the petitioners did ever receive any head-right certificate as it results of the adjoining certificates delivered by the Commissioner of the General Land Office. That your petitioners have always resided in Texas and are citizens of this State; that having remained orphans, they are clearly entitled to all the rights of which their parents were possessed at the time of their death; under the 10th section of the general provisions of the constitution of the Republic of Texas; that being minors when the Board of Land Commissioners was closed, they were by reason of their minority unable to assert their rights, at the proper time and before the proper authority; that under these circumstances they cannot go elsewhere for relief but before the Legislature. From these considerations your committee have instructed me to report the accompanying bill and recommend its passage.

A bill for the relief of the heirs of Vicinto Soto—read first time.

Mr Pirkey from the committee on public lands, made the following report:

The committee on public lands, to which was referred the memorial of Isaac Lee and others, have had the same under consideration, and find from the testimony that Allen Hines under whom memorialists claim, was a citizen of Texas, and the head of a family on the 2d day of March 1835, and that he continued to reside in the Republic of Texas until 1840; that he received a title for one league of land from the Commissioner George W. Smythe on the 28th day of November 1835. Believing that he was entitled to the land so granted, we report the accompanying bill and recommend its passage.

A bill for the relief of Allen Hines—read first time.

Mr Pirkey from the same committee, made the following report:

The committee on public lands, to which was referred the application of Isaac Lee, have considered the same, and from

the testimony they conclude that Milly was a resident citizen of Texas on the 2d day of March 1836, and for some years previous, and that at the date above mentioned she was the head of a family. Further that she did not leave the country during the campaign of the Spring of 1836, to avoid a participation in the struggle. Whether she participated in the struggle or rendered aid and comfort to the enemy, your committee are not advised. Further that she received from George W. Smythe, as Commissioner, a title for one league of land on the 20th day of November A. D. 1835. The land office being then closed and consequently her title void, she seems entitled to relief. They therefore report the accompanying bill and recommend its passage.

A bill for the relief of Milly Berrey.

Mr Hord chairman of the committee on State affairs, to which has referred the petition of John J McClosky, reported a bill for his relief recommending its passage.

A bill for the relief of John J. McClosky—read first time.

Mr Hord chairman of the same committee, to which was referred a bill to incorporate Jno. M. Gibson Lodge No. 13 of the I. O. of O. F.; reported the same back, recommending its passage.

Mr Hord chairman of the same committee, to which was referred a bill to incorporate Walker Lodge No. 19 of the I. O. of O. F., reported the same back with an amendment, recommending its adoption and the passage of the bill.

Amendment. In Sec. 1st, after the word "bequest" insert the words "not to exceed the value of \$30,000 00."

Mr McCulloch, from the committee on counties and county boundaries, to which was referred a bill to create the county of Cibolo, reported a substitute therefor, recommending its adoption and the passage of the bill.

Mr Whitaker chairman of the committee on private land claims No. 2, to which was referred a bill for the relief of the heirs of Wm. Caltrin, reported a substitute therefor, recommending its adoption and passage.

Mr Whitaker chairman of the same committee, made the following reports:

The committee on private land claims No. 2, have considered the memorial of H. Bremmett, asking an augmentation of two-thirds of a league and labor of land. The committee are satisfied that the memorialist was a citizen at the date of the declaration of Independence, and performed duty as a soldier; but that his marriage occurred at too late a date to entitle him to any augmentation under the law of the 14th of December 1837.

The committee on private land claims No. 2, have considered the petition of Geo. Pierman and that of Elisha B. Thomas and Elisha Thomas, and the accompanying bills, recommending their passage.

A bill for the relief of George Pierman, and a bill for the relief of Elisha B. Thomas and Elisha Thomas; each read first time.

Mr Hord chairman of the committee on State affairs, to which was referred a bill to incorporate Ida Lodge No. 14 of the I. O. O. F., reported the same back recommending its passage.

A message was received from the Governor transmitting the following communication.

EXECUTIVE OFFICE,
AUSTIN, JANUARY 3d, 1856.

Gentlemen of the Senate and

House of Representatives.

I transmit herewith the muster-rolls of three small companies of mounted volunteers; one commanded by Wm. Tom, which was in service on the frontier from the 18th of October to the 16th of November 1855, another commanded by W. S. Tobin, which served on the frontier from the 12th of October to the 15th of November 1855; the other commanded by Lieut English whose precise term of service is not known to me.

These companies were voluntarily engaged and supported by the citizens of the frontier, for their defence during the past fall, while they were suffering from the constant attacks of hostile Indians, there being no mounted troops of the United States near enough to give them any protection.

Small parties of the last named company had several encounters with and killed many of the Lipan Indians, and all of the companies were in active service at a time when the frontier settlements were nearly broken up by the incursions of the Indians, and contributed greatly to restore peace and confidence to these settlements.

I think it is but an act of Justice that they should receive from the State, reasonable compensation for their service and expenses, and therefore submit the matter to your consideration with the hope that you will make suitable provisions for their payment.

The circumstances under which these companies were organized and the service they rendered are well known to Messrs. Maverick and McCulloch of the Senate, and the Bexar delegation in the House of Representatives, to whom reference is made for information on these points.

E. M. PEASE.

On motion of Mr McCulloch the communication and accompanying documents, were referred to the committee on Indian affairs.

Mr Allen chairman of the committee on Enrolled bills, made the following report.

The joint committee on Enrolled bills, have examined the following bills, viz: a bill entitled an act the to authorize agents and attorneys at law to make affidavits in certain cases. A bill entitled an act to authorize the clerk of the District court of Washington county to transcribe certain records therein named. A bill entitled an act granting the consent of Texas to the United States to construct break waters, jettys, dams and other improvements on the coast of Texas. And a bill entitled an act for the relief of Harrison county; and find the same correctly enrolled, properly signed and this day presented to the Governor.

Mr Flanagan chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, to which was referred a bill to incorporate the Indianola and Victoria Rail Road company, have had the same under consideration, and a majority of the committee have instructed me to recommend it to the favorable consideration of the Senate, and recommed its passage, strictly complying with and coming under the general law touching the building of Rail Roads for the State of Texas, and not to conflict with any other charter.

Mr Flanagan from the same committee, to which was referred a bill to incorporate the Indianola Wharf company, reported the same back to the Senate and recomended its passage.

Mr Allen chairman of the committee on Enrolled bills, made the following report:

The committee on Enrolled bills have examined the following bills viz: a bill to authorize the county court of Dallas county to levy an additional tax for the purpose of building a Court House. A bill for the relief of John N. Taylor. A bill to authorize the name of Martha R. Eppinger to be changed to Martha R. Bonner, and

A bill to validate an election to be held in the 14th Representative District composed of the counties of Cass and Titus, and find the same correctly enrolled, properly signed and this day presented to the Governor.

On motion of Mr White, the petition of Agnes B. Clark was taken up and re-referred to the committee on private land claims No. 2.

On motion of Mr Potter, the report of the committee on claims and accounts on the memorial of William Oldham, recommend-

ing that it be referred to the committee on the public debt, was taken up and adopted.

On motion of Mr McCulloch, the report of the committee on private land claims on a bill for the relief of Simon Cockrell, John Neill and Creed Taylor, and on the petition of C. R. Perry, recommending that they be referred to the committee on Public lands, was taken up and adopted.

Mr McCulloch introduced a bill to amend an act to provide for the construction of the Mississippi and Pacific Rail Road; read first and 2d times and referred to the committee on Public lands.

ORDERS OF THE DAY.

A bill giving the assent of the State of Texas to an act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9th 1850, which was passed at the 2d session of the 33d Congress of the United States, and approved Feb'y 8th 1855; taken up.

The question being on the adoption of the amendment offered by Mr Taylor of Cass.

A call of the Senate was ordered, and the sergeant at arms dispatched after absent Senators. The Senate being full, the amendment was rejected by the following vote:

YEAS.—Messrs. Allen, Armstrong, Burroughs, Grimes, McDade, Martin, Millican, Pirkey, Russel, Taylor of Cass, Taylor of Houston, Truit, Weatherford, and Wren,—14.

NAYS.—Messrs. Bryan, Caldwell, Doane, Flanagan, Guinn, Hill, Hord, Lott, McCulloch, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor of Fannin, Whitaker, and White.—18.

Mr Potter moved the previous question, lost by the following vote:

YEAS.—Messrs. Caldwell, Doane, Flanagan, Grimes, Hord, Lott, McCulloch, Palmer, Potter, Scarborough, Superviele, Taylor of Fannin, Whitaker, and White.—14.

NAYS.—Messrs. Allen, Armstrong, Bryan, Burroughs, Guinn, Hill, McDade, Martin, Maverick, Millican, Pedigo, Pirkey, Russel, Taylor of Cass, Taylor of Houston, Truit, Weatherford, and Wren,—18.

Mr Grimes offered the following amendment to come in at the end of 2d Sec.

“Provided this abandonment shall not apply to claims of individuals for losses of property by the enemy.”

Mr Potter moved to lay the amendment on the table—lost by the following vote:

YEAS.—Messrs. Bryan, Caldwell, Flanagan, Grimes, Hill, Lott, McCulloch, Maverick, Palmer, Potter, Scarborough, Taylor of Fannin, Whitaker, and White,—14.

NAYS.—Messrs. Armstrong, Burroughs, Doane, Guinn, Hord, Martin, Millican, Pirkey, Russel, Taylor of Cass, Taylor of Houston, Weatherford, and Wren,—14.

There being a tie, the President voted in the negative. The amendment was then adopted by the following vote:

YEAS.—Messrs. Allen, Armstrong, Burroughs, Doane, Grimes, Hord, McDade, Martin, Millican, Pirkey, Russel, Taylor of Cass, Taylor of Houston, Truit, Weatherford, and Wren,—16.

NAYS.—Messrs. Bryan, Caldwell, Flanagan, Guinn, Hill, Lott, McCulloch, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor of Fannin, Whitaker, and White,—16.

There being a tie, the President voted in the affirmative.

The bill was then ordered to be engrossed by the following vote:

YEAS.—Messrs. Bryan, Caldwell, Doane, Flanagan, Guinn, Hill, Hord, Lott, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor of Fannin, Whitaker, and White,—17.

NAYS.—Messrs. Allen, Armstrong, Burroughs, Grimes, McDade, Martin, Millican, Pirkey, Russel, Taylor of Cass, Taylor of Houston, Truit, Weatherford, and Wren,—14.

Mr McCulloch asked to be excused from voting, having agreed to pair off with Mr Scott.

Mr Martin introduced a bill creating and incorporating the Texas Pacific Rail Road company—read first and 2d times and referred to the committee on Internal Improvements.

On motion of Mr Palmer the Senate adjourned till Monday morning 10 o'clock.

MONDAY, JANUARY 7th, 1856.

The Senate was called to order by the President, pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of Saturday was read and adopted.

Mr Guinn, chairman of the committee on engrossed bills, reported as correctly engrossed,

A bill giving the assent of the State of Texas to an act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9th, 1850, which passed at the second session of the 33rd Congress of the United States, and approved, Feb. 8th, 1855.